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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,168	11/18/2003	David E. Orr		5991

7590 12/20/2006  
David E. Orr  
4619 NE 39nd Avenue  
Vancouver, WA 98661-2508

EXAMINER  
TRUONG, THANHNGA B

ART UNIT PAPER NUMBER

2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<p align="center"><b>Office Action Summary</b></p>	<p>Application No.</p> <p align="center">10/717,168</p>	<p>Applicant(s)</p> <p align="center">ORR, DAVID E.</p>	
	<p>Examiner</p> <p align="center">Thanhnga B. Truong</p>	<p>Art Unit</p> <p align="center">2135</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) : \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*Thanhnga B. Truong*  
AN2135

**Attachment(s)**

- |   |   |
|---|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br/> Paper No(s)/Mail Date _____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/> Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|---|---|

### DETAILED ACTION

1. This action is responsive to the communication filed on November 18, 2003. Claim 1 is pending. At this time, claim 1 is rejected.

#### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### *Claim Objections*

3. Claim 1 is objected to because of the following informalities:

Applicant recites in item (g) of claim 1: a message sending device in the first transmitter-receiver for creating and sending a message to the second transmitter-receiver, the message containing the a previously sent transmission or message, or some part thereof, sent by **the first transmitter receiver**, and .... selected by the first transmitter-receiver. Notice that a dash "-" is missing between transmitter and receiver of the phrase that is bolded by the examiner. Appropriate correction is required.

Applicant recites in item (j) of claim 1: a reference decoding device in the second transmitter-receiver for controlling the cryptographic device associated with the reference discovered by the cryptographic reference decoder, the cryptographic decoding device applying the referenced cryptographic device to decrypt the previous transmission or message or part thereof sent by the first transmitter-receiver and to decrypt the reference to a transmission or message previously sent by **the second transmitter receiver**. Notice that a dash "-" is missing between transmitter and receiver of the phrase that is bolded by the examiner. Appropriate correction is required. Appropriate correction is required.

Applicant further recites on page 13 of claim section **whereby the first transmitter-receiver, when sending an encrypted message to the second transmitter-receiver**: It appears that the word like comprising, consisting, or including is missing from this phrase. Appropriate correction is required.

Applicant recites in item (b) of claim 1 on page 13: randomly selects an encryption device associated with **a reference**, and randomly selects **a reference** to a transmission or message previously received from the second transmitter-receiver. It is

not clear to the examiner whether or not these two references, that is bolded by the examiner, are the same one. Appropriate correction is required.

Applicant recites in item (e) of claim 1 on page 13: the second transmitter-receiver using the discovered encryption device....., and sends the encrypted referenced transmission or message or part **thereof the first transmitter-receiver**; and. A word "to" is missing from the above bolded phrase. Appropriate correction is required.

Applicant is also urged to check for typographical errors as well as other punctuations and/or grammar errors for the entire claim 1 and the specification of the instant application.

#### ***Claim Rejections - 35 USC § 112***

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant recites in item (b) of claim 1: **a second storage device for storing transmissions and messages or parts thereof, the transmissions and messages previously sent to and received from the first transmitter-receiver of the pair.** It is not clear to the examiner whether or not this second storage device is belonged to the first transmitter-receiver or the second transmitter-receiver. Appropriate correction is required.

Applicant recites in item (i) of claim 1: **a cryptographic device reference decoder** in the second transmitter-receiver for discovering the reference to the cryptographic device randomly by the first transmitter-receiver; and item (j): a reference decoding device in the second transmitter-receiver for controlling the cryptographic device associated with the reference discovered by **the cryptographic reference decoder, the cryptographic decoding device** applying **the referenced cryptographic device** to decrypt the previous transmission or message or part thereof sent by the first transmitter-receiver and to decrypt the reference to a transmission or message previously sent by the second transmitter receiver. Again, it is very confusing and absolutely unclear to the examiner that all these devices (such as: **a cryptographic**

**device reference decoder, the cryptographic reference decoder, the cryptographic decoding device, and/or the referenced cryptographic device)** are the same one device or they are totally different devices. Appropriate correction is required.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Palermo et al (US 20020132585) discloses contents of one or more received messages can be analyzed to determine whether a transceiver device generating the inductive field has already been programmed with a unique communication code (see abstract).

b. Mahany (US 5862171 A) discloses a radio communication network includes at least one mobile transceiver unit in communication with at least one base transceiver unit that facilitates communicate with at least one host computer for storage and manipulation of data collected by bar code scanners or other data collectors associated with the mobile transceiver units (see abstract).

c. Stoller (US 5266942 A) discloses a security system to defeat eavesdropping in a broadcast environment has at least one transmitter and at least one receiver. The transmitter includes a transmitter memory for storing a plurality of signals in a given sequence and a marker for identifying in the transmitter memory particular ones of the signals as invalid, as well as a broadcast-transmitter for transmitting in sequence at least a portion of those signals of the transmitter memory not identified as invalid. The receiver includes a receiver memory for storing a plurality of signals in a given sequence, and a marker for identifying in the receiver memory particular ones of the signals as invalid, as well as a broadcast-receiver for receiving signals transmitted by the transmitter. A receiver circuit in the receiver compares the signal received by the receiver with those signals of the receiver memory not identified as invalid, and, upon a successful comparison, both identifies the signal in the receiver memory as invalid thereafter and generates a successful comparison indicator (see abstract).

Art Unit: 2135

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

*Thanhnga B. Truong*  
AU 2135

TBT

November 26, 2006